

PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that House Bill 1042 be amended to read as follows:

- 1 Page 1, between the enacting clause and line 1, begin a new
- 2 paragraph and insert:
- 3 "SECTION 1. IC 36-4-3-4, AS AMENDED BY P.L.111-2005,
- 4 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 5 JULY 1, 2009]: Sec. 4. (a) The legislative body of a municipality may,
- 6 by ordinance, annex any of the following:
- 7 (1) Territory that is contiguous to the municipality.
- 8 (2) Territory that is not contiguous to the municipality and is
- 9 occupied by a municipally owned or operated airport or landing
- 10 field.
- 11 (3) Territory that is not contiguous to the municipality but is
- 12 found by the legislative body to be occupied by a municipally
- 13 owned or regulated sanitary landfill, golf course, or hospital.
- 14 However, if territory annexed under this subsection ceases to be
- 15 used as a municipally owned or regulated sanitary landfill, golf
- 16 course, or hospital for at least one (1) year, the territory reverts to
- 17 the jurisdiction of the unit having jurisdiction before the
- 18 annexation if the unit that had jurisdiction over the territory still
- 19 exists. If the unit no longer exists, the territory reverts to the
- 20 jurisdiction of the unit that would currently have jurisdiction over
- 21 the territory if the annexation had not occurred. The clerk of the
- 22 municipality shall notify the offices required to receive notice of
- 23 a disannexation under section 19 of this chapter when the territory
- 24 reverts to the jurisdiction of the unit having jurisdiction before the

1 annexation.

2 (b) This subsection applies to municipalities in a county having a
3 population of:

4 (1) more than seventy-three thousand (73,000) but less than
5 seventy-four thousand (74,000);

6 (2) more than seventy-one thousand four hundred (71,400) but
7 less than seventy-three thousand (73,000);

8 (3) more than seventy thousand (70,000) but less than
9 seventy-one thousand (71,000);

10 (4) more than forty-five thousand (45,000) but less than forty-five
11 thousand nine hundred (45,900);

12 (5) more than forty thousand nine hundred (40,900) but less than
13 forty-one thousand (41,000);

14 (6) more than thirty-eight thousand (38,000) but less than
15 thirty-nine thousand (39,000);

16 (7) more than thirty thousand (30,000) but less than thirty
17 thousand seven hundred (30,700);

18 (8) more than twenty-three thousand five hundred (23,500) but
19 less than twenty-four thousand (24,000); ~~or~~

20 (9) more than one hundred eighty-two thousand seven hundred
21 ninety (182,790) but less than three hundred thousand (300,000);

22 **or**

23 **(10) more than thirty four thousand nine hundred fifty**
24 **(34,950) but less than thirty six thousand (36,000).**

25 Except as provided in subsection (c), the legislative body of a
26 municipality to which this subsection applies may, by ordinance, annex
27 territory that is not contiguous to the municipality, has its entire area
28 not more than two (2) miles from the municipality's boundary, is to be
29 used for an industrial park containing one (1) or more businesses, and
30 is either owned by the municipality or by a property owner who
31 consents to the annexation. However, if territory annexed under this
32 subsection is not used as an industrial park within five (5) years after
33 the date of passage of the annexation ordinance, or if the territory
34 ceases to be used as an industrial park for at least one (1) year, the
35 territory reverts to the jurisdiction of the unit having jurisdiction before
36 the annexation if the unit that had jurisdiction over the territory still
37 exists. If the unit no longer exists, the territory reverts to the
38 jurisdiction of the unit that would currently have jurisdiction over the
39 territory if the annexation had not occurred. The clerk of the
40 municipality shall notify the offices entitled to receive notice of a
41 disannexation under section 19 of this chapter when the territory
42 reverts to the jurisdiction of the unit having jurisdiction before the
43 annexation.

44 (c) A city in a county with a population of more than two hundred
45 thousand (200,000) but less than three hundred thousand (300,000)
46 may not annex territory as prescribed in subsection (b) until the

territory is zoned by the county for industrial purposes.

(d) Notwithstanding any other law, territory that is annexed under subsection (b) or (h) is not considered a part of the municipality for the purposes of:

(1) annexing additional territory:

(A) in a county that is not described by clause (B); or

(B) in a county having a population of more than two hundred thousand (200,000) but less than three hundred thousand (300,000), unless the boundaries of the noncontiguous territory become contiguous to the city, as allowed by Indiana law;

(2) expanding the municipality's extraterritorial jurisdictional area; or

(3) changing an assigned service area under IC 8-1-2.3-6(1).

(e) As used in this section, "airport" and "landing field" have the meanings prescribed by IC 8-22-1.

(f) As used in this section, "hospital" has the meaning prescribed by IC 16-18-2-179(b).

(g) An ordinance adopted under this section must assign the territory annexed by the ordinance to at least one (1) municipal legislative body district.

(h) This subsection applies to a city having a population of more than thirty-one thousand (31,000) but less than thirty-two thousand (32,000). The legislative body of a city may, by ordinance, annex territory that:

(1) is not contiguous to the city;

(2) has its entire area not more than eight (8) miles from the city's boundary;

(3) does not extend more than:

(A) one and one-half (1 1/2) miles to the west;

(B) three-fourths (3/4) mile to the east;

(C) one-half (1/2) mile to the north; or

(D) one-half (1/2) mile to the south;

of an interchange of an interstate highway (as designated by the federal highway authorities) and a state highway (as designated by the state highway authorities); and

- 1 (4) is owned by the city or by a property owner that consents to
- 2 the annexation."
- 3 Renumber all SECTIONS consecutively.
(Reference is to HB 1042 as printed February 6, 2009.)

Representative Ruppel